

ORIGINAL

PROB. 12B  
(7/93)

**United States District Court**

for the

**DISTRICT OF HAWAII**

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUL 14 2008

at 12 o'clock and 30 min. M.  
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: KATHERINE D.A. MEDEIROS Case Number: CR 04-00470HG-02

Name of Sentencing Judicial Officer: Helen Gillmor  
Chief U.S. District Judge

Date of Original Sentence: 8/25/2005

Original Offense: Counts 2 and 3: Distribution of 5 Grams or More of  
Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and  
(b)(1)(B) and 18 U.S.C. § 2, Class B felonies

Original Sentence: Thirty-three (33) months imprisonment as to each count, to run concurrently, and five (5) years of supervised release with the following special conditions: 1) That the defendant participate in a substance abuse program, which may include drug and alcohol testing, at the discretion and direction of the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment; 2) That the defendant execute all financial disclosure forms requested by the Probation Office and provide access to any requested financial information; and 3) That the defendant shall submit her person, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Type of Supervision: Supervised Release      Date Supervision Commenced: 3/7/2008

**PETITIONING THE COURT**

☒ To modify the conditions of supervision as follows:

*General Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.*

### CAUSE

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1. Special Condition No. 1	The subject failed to attend substance abuse counseling on 6/30/2008.

The subject's supervised release commenced on 3/7/2008. The subject was immediately referred for substance abuse treatment at Hina Mauka. As part of the subject's treatment regimen, she is required to attend weekly counseling sessions at Hina Mauka.

On 6/30/2008, the Probation Office was notified by Hina Mauka that the subject failed to report for a counseling session on 6/27/2008. The subject was contacted regarding the missed session and advised that she had forgotten about it. The subject subsequently rescheduled the missed session. The subject was verbally reprimanded and instructed not to miss any further counseling sessions.

The subject has an extensive history of drug use and involvement. According to the presentence report, the subject previously used methamphetamine on a daily basis, culminating with her conviction for distributing methamphetamine. As a result, given the ruling in U.S. v Stephens, the recommended modification will enable the Probation Office to implement controlling strategies to detect substance abuse and ensure that the subject does not reinvolve herself in noncompliant behavior.

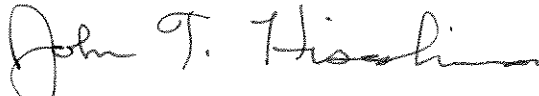
Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives her right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The

Prob 12B  
(7/93)

3

subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



JOHN T. HISASHIMA  
U.S. Probation Officer

Approved by:



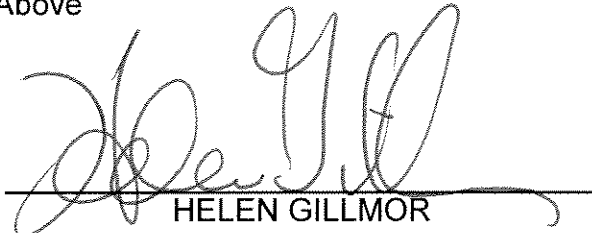
PETER D. YOSHIHARA  
Supervising U.S. Probation Officer

Date: 7/10/2008

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ Other

  
HELEN GILLMOR  
U.S. District Judge

7.10.08

Date

PROB 49  
(5/96)

## United States District Court

District of Hawaii

### Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

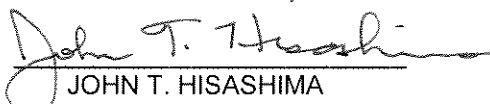
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

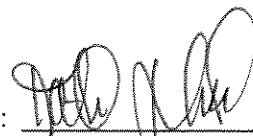
[ X ] To modify the conditions of supervision as follows:

*General Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.*

Witness:

  
JOHN T. HISASHIMA  
U.S. Probation Officer

Signed:

  
KATHERINE D.A. MEDEIROS  
Supervised Releasee

7/9/08

Date